

APR 03 2009

Doc Code: AP.PRE.REQ

PTO/SB/33 (01-08)

Approved for use through 02/28/2009. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		C-2480	
<p>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571-273-8300) on <u>April 3, 2009</u>.</p> <p>Barbara Pecars <u>Barbara Pecars</u></p>	Application Number	Filed	
	10/816,403	April 1, 2004	
	First Named Inventor		
	Robin J. Guthrie		
	Art Unit	Examiner	
	1795	Keith D. Walker	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/06)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 19,220 Registration number</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34</p> <p><u>M. P. Williams</u> Signature</p> <p>M. P. Williams Typed or printed name</p> <p>860-649-0305 Telephone number</p> <p>4/3/09 Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input checked="" type="checkbox"/> *Total of 1 forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

APR 03 2009

Pre-Appeal Brief Request for Review

Serial No. 10/816,403, Filed April 1, 2004; Office Action dated July 16, 2008

Argument

The only independent claim, Claim 1, requires (Fig. 9) "some, (103, 104) but less than all (101) of said transverse portions having more than one groove."

The transverse portions in Fujii (6,255,011) (Fig. 5, 82, 84; Fig. 6, 92, 94) only have one groove each; or (looking at lower parts of 92, 94, Fig. 5) all have two grooves.

Yamamoto (US 2004/0197633) has (Fig. 5): one inlet portion, extending toward upper left from inlet 51a; one outlet portion, extending toward upper left to outlet 51b, and one transverse portion having many grooves 52, 54, 54'. Thus, all the transverse portions have more than one groove.

Claim 1 is therefore not anticipated by either principal reference; the remaining claims depend from claim 1 and are therefore not obvious.

Respectfully submitted,



M. P. Williams
Attorney of Record
Voice: 860-649-0305
Fax: 860-649-1385
E-mail: mw@melpat.com

210 Main Street
Manchester, CT 06042
Date: April 3, 2009